

# EXHIBIT B

**From:** Williams, Michael <williams@wtotrial.com>  
**Sent:** Monday, February 17, 2020 5:35 PM  
**To:** Warren Postman; Brian Gudmundson; Ashley Keller  
**Cc:** Carolyn Anderson; Youngman, Judith; Unthank, Andrew; Jared Shepherd; meiselas@geragos.com; Mark M. O'Mara; Hart Robinovitch; Michael Laird; McNab, William; Vogel, David; Lobel, Douglas P.; Gutkin, Jeff  
**Subject:** RE: In re: CenturyLink - Meet and Confer re: Motion to Stay Pending Appeal

Brian and Warren:

Per my discussion with Warren just now, CenturyLink will table the curative notice issue for now and re-assess the situation as we move forward. Thank you again for taking the time to meet and confer on this issue.

Mike

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**From:** Warren Postman <wdp@kellerlenkner.com>  
**Sent:** Monday, February 17, 2020 11:14 AM  
**To:** Brian Gudmundson <Brian.Gudmundson@zimmreed.com>; Williams, Michael <williams@wtotrial.com>; Ashley Keller <ack@kellerlenkner.com>  
**Cc:** Carolyn Anderson <Carolyn.Anderson@zimmreed.com>; Youngman, Judith <Youngman@wtotrial.com>; Unthank, Andrew <unthank@wtotrial.com>; Jared Shepherd <jshepherd@hoffbarry.com>; meiselas@geragos.com; Mark M. O'Mara <mark@markomaralaw.com>; Hart Robinovitch <Hart.Robinovitch@zimmreed.com>; Michael Laird <Michael.Laird@zimmreed.com>; McNab, William <WMcNab@winthrop.com>; Vogel, David <dvogel@cooley.com>; Lobel, Douglas P. <dlobel@cooley.com>; Gutkin, Jeff <jgutkin@cooley.com>  
**Subject:** RE: In re: CenturyLink - Meet and Confer re: Motion to Stay Pending Appeal

**External Email**

Brian,

Mike asked on our last call whether we would agree to inform our clients that, in order to pursue their individual arbitrations, they must validly opt out of the class. Our position is that this assertion is legally incorrect. Each of our clients has a contractual right to not have their claims resolved or released in a class proceeding. By definition, that right cannot be vitiated in a class proceeding. The FAA requires that courts respect this right, and *In re Piper Funds* makes clear that this right cannot be sacrificed at the alter of efficient class action management. Any class member is of course free to waive their right by opting in to a class settlement. But unless and until a class member waives their right to avoid class proceedings, it violates that FAA to override the arbitration agreement and resolve their claims in a class proceeding.

Sincerely,

**Warren D. Postman**  
 Partner

**Keller | Lenkner**

1300 I Street, N.W., Suite 400E | Washington, D.C. 20005  
 202.749.8334 | [Website](#) | [Email](#)

**From:** Brian Gudmundson <[Brian.Gudmundson@zimmered.com](mailto:Brian.Gudmundson@zimmered.com)>

**Sent:** Monday, February 17, 2020 12:44 PM

**To:** Williams, Michael <[williams@wtotrial.com](mailto:williams@wtotrial.com)>; Warren Postman <[wdp@kellerlenkner.com](mailto:wdp@kellerlenkner.com)>; Ashley Keller <[ack@kellerlenkner.com](mailto:ack@kellerlenkner.com)>

**Cc:** Carolyn Anderson <[Carolyn.Anderson@zimmered.com](mailto:Carolyn.Anderson@zimmered.com)>; Youngman, Judith <[Youngman@wtotrial.com](mailto:Youngman@wtotrial.com)>; Unthank, Andrew <[unthank@wtotrial.com](mailto:unthank@wtotrial.com)>; Jared Shepherd <[jshepherd@hoffbarry.com](mailto:jshepherd@hoffbarry.com)>; [meiselas@geragos.com](mailto:meiselas@geragos.com); Mark M. O'Mara <[mark@markomaralaw.com](mailto:mark@markomaralaw.com)>; Hart Robinovitch <[Hart.Robinovitch@zimmered.com](mailto:Hart.Robinovitch@zimmered.com)>; Michael Laird <[Michael.Laird@zimmered.com](mailto:Michael.Laird@zimmered.com)>; McNab, William <[WMcNab@winthrop.com](mailto:WMcNab@winthrop.com)>; Vogel, David <[dvogel@cooley.com](mailto:dvogel@cooley.com)>; Lobel, Douglas P. <[dlobel@cooley.com](mailto:dlobel@cooley.com)>; Gutkin, Jeff <[jgutkin@cooley.com](mailto:jgutkin@cooley.com)>

**Subject:** RE: In re: CenturyLink - Meet and Confer re: Motion to Stay Pending Appeal

Counsel – can someone please fill in MDL Plaintiffs' counsel regarding the argument purportedly being made regarding an "opt in" class? Thanks. Brian

**BRIAN GUDMUNDSON** | PARTNER

**ZIMMERMAN REED LLP**

1100 IDS Center, 80 South 8th Street  
Minneapolis, MN 55402 +612.341.0400

Minneapolis | Los Angeles | Phoenix

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*If you received this e-mail in error, please notify the sender immediately and delete.*

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**From:** Williams, Michael <[williams@wtotrial.com](mailto:williams@wtotrial.com)>

**Sent:** Sunday, February 16, 2020 3:37 PM

**To:** Warren Postman <[wdp@kellerlenkner.com](mailto:wdp@kellerlenkner.com)>; Brian Gudmundson <[Brian.Gudmundson@zimmered.com](mailto:Brian.Gudmundson@zimmered.com)>; Ashley Keller <[ack@kellerlenkner.com](mailto:ack@kellerlenkner.com)>

**Cc:** Carolyn Anderson <[Carolyn.Anderson@zimmered.com](mailto:Carolyn.Anderson@zimmered.com)>; Youngman, Judith <[Youngman@wtotrial.com](mailto:Youngman@wtotrial.com)>; Unthank, Andrew <[unthank@wtotrial.com](mailto:unthank@wtotrial.com)>; Jared Shepherd <[jshepherd@hoffbarry.com](mailto:jshepherd@hoffbarry.com)>; [meiselas@geragos.com](mailto:meiselas@geragos.com); Mark M. O'Mara <[mark@markomaralaw.com](mailto:mark@markomaralaw.com)>; Hart Robinovitch <[Hart.Robinovitch@zimmered.com](mailto:Hart.Robinovitch@zimmered.com)>; Michael Laird <[Michael.Laird@zimmered.com](mailto:Michael.Laird@zimmered.com)>; McNab, William <[WMcNab@winthrop.com](mailto:WMcNab@winthrop.com)>; Vogel, David <[dvogel@cooley.com](mailto:dvogel@cooley.com)>; Lobel, Douglas P. <[dlobel@cooley.com](mailto:dlobel@cooley.com)>; Gutkin, Jeff <[jgutkin@cooley.com](mailto:jgutkin@cooley.com)>

**Subject:** RE: In re: CenturyLink - Meet and Confer re: Motion to Stay Pending Appeal

Brian and All:

To keep you informed, Warren, Judith, and I met and conferred again this afternoon. We have not yet reached an agreement, but we discussed and clarified Keller Lenkner's positions on two disputed issues: (1) whether the supplemental notice should be submitted to the Court for approval and disseminated as a supplement notice of the Court, regardless whether Rust or KL disseminates it (KL's position is "no," and CenturyLink's position is "yes"); and (2) KL's position on the class opt-out procedure and the final paragraph of the proposed notice (KL's position is that the class procedure is improper and that any court settlement should be opt-in only). We will let everyone know whether CenturyLink intends to file a motion after we have discussed KL's compromise offer with our client.

Brian:

On the assumption that CenturyLink likely will file a motion this week, we would appreciate receiving any edits or comments you have on the version of the proposed notice I have attached here. I have added once new sentence in redline in response to KL's suggestion that they have directly provided,

or may directly provide in the future, some or all of this information to their clients in a privileged communication.

Thanks,  
Mike

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**From:** Warren Postman <[wdp@kellerlenkner.com](mailto:wdp@kellerlenkner.com)>

**Sent:** Friday, February 14, 2020 8:53 PM

**To:** Williams, Michael <[williams@wtotrial.com](mailto:williams@wtotrial.com)>; Brian Gudmundson <[Brian.Gudmundson@zimmreed.com](mailto:Brian.Gudmundson@zimmreed.com)>; Ashley Keller <[ack@kellerlenkner.com](mailto:ack@kellerlenkner.com)>

**Cc:** Carolyn Anderson <[Carolyn.Anderson@zimmreed.com](mailto:Carolyn.Anderson@zimmreed.com)>; Youngman, Judith <[Youngman@wtotrial.com](mailto:Youngman@wtotrial.com)>; Unthank, Andrew <[unthank@wtotrial.com](mailto:unthank@wtotrial.com)>; Jared Shepherd <[jshepherd@hoffbarry.com](mailto:jshepherd@hoffbarry.com)>; [meiselas@geragos.com](mailto:meiselas@geragos.com); Mark M. O'Mara <[mark@markomaralaw.com](mailto:mark@markomaralaw.com)>; Hart Robinovitch <[Hart.Robinovitch@zimmreed.com](mailto:Hart.Robinovitch@zimmreed.com)>; Michael Laird <[Michael.Laird@zimmreed.com](mailto:Michael.Laird@zimmreed.com)>; McNab, William <[WMcNab@winthrop.com](mailto:WMcNab@winthrop.com)>; Vogel, David <[dvogel@cooley.com](mailto:dvogel@cooley.com)>; Lobel, Douglas P. <[dlobel@cooley.com](mailto:dlobel@cooley.com)>; Gutkin, Jeff <[jgutkin@cooley.com](mailto:jgutkin@cooley.com)>

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External Email

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Mike,

Yes, I can do any time during the day tomorrow, or Sunday excluding 2-3pm ET. Please send a conference line at a time that is convenient for you.

**Warren D. Postman**

Partner

**Keller | Lenkner**

1300 I Street, N.W., Suite 400E | Washington, D.C. 20005

[202.749.8334](tel:202.749.8334) | [Website](#) | [Email](#)

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**From:** Williams, Michael <[williams@wtotrial.com](mailto:williams@wtotrial.com)>

**Sent:** Friday, February 14, 2020 10:43 PM

**To:** Brian Gudmundson <[Brian.Gudmundson@zimmreed.com](mailto:Brian.Gudmundson@zimmreed.com)>; Warren Postman <[wdp@kellerlenkner.com](mailto:wdp@kellerlenkner.com)>; Ashley Keller <[ack@kellerlenkner.com](mailto:ack@kellerlenkner.com)>

**Cc:** Carolyn Anderson <[Carolyn.Anderson@zimmreed.com](mailto:Carolyn.Anderson@zimmreed.com)>; Youngman, Judith <[Youngman@wtotrial.com](mailto:Youngman@wtotrial.com)>; Unthank, Andrew <[unthank@wtotrial.com](mailto:unthank@wtotrial.com)>; Jared Shepherd <[jshepherd@hoffbarry.com](mailto:jshepherd@hoffbarry.com)>; [meiselas@geragos.com](mailto:meiselas@geragos.com); Mark M. O'Mara <[mark@markomaralaw.com](mailto:mark@markomaralaw.com)>; Hart Robinovitch <[Hart.Robinovitch@zimmreed.com](mailto:Hart.Robinovitch@zimmreed.com)>; Michael Laird <[Michael.Laird@zimmreed.com](mailto:Michael.Laird@zimmreed.com)>; McNab, William <[WMcNab@winthrop.com](mailto:WMcNab@winthrop.com)>; Vogel, David <[dvogel@cooley.com](mailto:dvogel@cooley.com)>; Lobel, Douglas P. <[dlobel@cooley.com](mailto:dlobel@cooley.com)>; Gutkin, Jeff <[jgutkin@cooley.com](mailto:jgutkin@cooley.com)>

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Warren, are you available this weekend to speak by telephone so that we can clarify and discuss a few points? I want to make sure we have clearly communicated. Thanks.

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**From:** Brian Gudmundson <[Brian.Gudmundson@zimmreed.com](mailto:Brian.Gudmundson@zimmreed.com)>

**Sent:** Friday, February 14, 2020 11:27 AM

**To:** Warren Postman <[wdp@kellerlenkner.com](mailto:wdp@kellerlenkner.com)>; Williams, Michael <[williams@wtotrial.com](mailto:williams@wtotrial.com)>; Ashley Keller <[ack@kellerlenkner.com](mailto:ack@kellerlenkner.com)>

**Cc:** Carolyn Anderson <[Carolyn.Anderson@zimmreed.com](mailto:Carolyn.Anderson@zimmreed.com)>; Youngman, Judith <[Youngman@wtotrial.com](mailto:Youngman@wtotrial.com)>; Unthank, Andrew <[unthank@wtotrial.com](mailto:unthank@wtotrial.com)>; Jared Shepherd <[jshepherd@hoffbarry.com](mailto:jshepherd@hoffbarry.com)>; [meiselas@geragos.com](mailto:meiselas@geragos.com); Mark M. O'Mara <[mark@markomaralaw.com](mailto:mark@markomaralaw.com)>; Hart Robinovitch <[Hart.Robinovitch@zimmreed.com](mailto:Hart.Robinovitch@zimmreed.com)>; Michael Laird <[Michael.Laird@zimmreed.com](mailto:Michael.Laird@zimmreed.com)>; McNab, William <[WMcNab@winthrop.com](mailto:WMcNab@winthrop.com)>; Vogel, David <[dvogel@cooley.com](mailto:dvogel@cooley.com)>;

Lobel, Douglas P. <[dlobel@cooley.com](mailto:dlobel@cooley.com)>; Gutkin, Jeff <[jgutkin@cooley.com](mailto:jgutkin@cooley.com)>

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**External Email**

I will be weighing in with some proposed edits as well, limited to the characterizations of the MDL settlement.

**BRIAN GUDMUNDSON** | PARTNER

**ZIMMERMAN REED LLP**

1100 IDS Center, 80 South 8th Street  
Minneapolis, MN 55402 +612.341.0400

Minneapolis | Los Angeles | Phoenix

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**From:** Warren Postman <[wdp@kellerlenkner.com](mailto:wdp@kellerlenkner.com)>

**Sent:** Thursday, February 13, 2020 9:36 PM

**To:** Williams, Michael <[williams@wtotrial.com](mailto:williams@wtotrial.com)>; Ashley Keller <[ack@kellerlenkner.com](mailto:ack@kellerlenkner.com)>; Brian Gudmundson <[Brian.Gudmundson@zimmerreed.com](mailto:Brian.Gudmundson@zimmerreed.com)>

**Cc:** Carolyn Anderson <[Carolyn.Anderson@zimmerreed.com](mailto:Carolyn.Anderson@zimmerreed.com)>; Youngman, Judith <[Youngman@wtotrial.com](mailto:Youngman@wtotrial.com)>; Unthank, Andrew <[unthank@wtotrial.com](mailto:unthank@wtotrial.com)>; Jared Shepherd <[jshepherd@hoffbarry.com](mailto:jshepherd@hoffbarry.com)>; [meiselas@geragos.com](mailto:meiselas@geragos.com); Mark M. O'Mara <[mark@markomaralaw.com](mailto:mark@markomaralaw.com)>; Hart Robinovitch <[Hart.Robinovitch@zimmerreed.com](mailto:Hart.Robinovitch@zimmerreed.com)>; Michael Laird <[Michael.Laird@zimmerreed.com](mailto:Michael.Laird@zimmerreed.com)>; McNab, William <[WMcNab@winthrop.com](mailto:WMcNab@winthrop.com)>; Vogel, David <[dvogel@cooley.com](mailto:dvogel@cooley.com)>; Lobel, Douglas P. <[dlobel@cooley.com](mailto:dlobel@cooley.com)>; Gutkin, Jeff <[jgutkin@cooley.com](mailto:jgutkin@cooley.com)>

**Subject:** RE: In re: CenturyLink - Meet and Confer re: Motion to Stay Pending Appeal

Mike,

Thank you for the discussion this afternoon about CenturyLink's plans to file a motion for a "corrective notice." As we touched on in our call, CenturyLink's supplemental brief accusing Keller Lenkner of ethical violations, as well as Professor Moore's declaration, rest on factual assumptions that you have no basis in knowledge to adopt and are, in fact, false. Nonetheless, while we have already communicated with our clients about the settlement and will continue to do so, we have no objection to sending most of the information contained in your notice to them verbatim. Attached is a redline with a limited number of edits to address what we believe are incorrect and misleading statements of fact and law.

If we can agree on a version of the attached notice, we would happily send this to our clients directly, along with our own advice as their attorneys. We want our clients to have a fully-informed and unhindered choice about whether or not to participate in the settlement. And while we will ensure they have that regardless of what CenturyLink does, we are willing to send your draft notice as attached to avoid burdening the Court with an unnecessary motion.

Ashley or I can be available any time tomorrow to discuss further by phone.

Sincerely,

**Warren D. Postman**

Partner

**Keller | Lenkner**

1300 I Street, N.W., Suite 400E | Washington, D.C. 20005  
[202.749.8334](tel:202.749.8334) | [Website](#) | [Email](#)

**From:** Williams, Michael <[williams@wtotrial.com](mailto:williams@wtotrial.com)>

**Sent:** Thursday, February 13, 2020 5:03 PM

**To:** Ashley Keller <[ack@kellerlenkner.com](mailto:ack@kellerlenkner.com)>; Brian Gudmundson <[Brian.Gudmundson@zimmreed.com](mailto:Brian.Gudmundson@zimmreed.com)>

**Cc:** Warren Postman <[wdp@kellerlenkner.com](mailto:wdp@kellerlenkner.com)>; Carolyn Anderson <[Carolyn.Anderson@zimmreed.com](mailto:Carolyn.Anderson@zimmreed.com)>; Youngman, Judith <[Youngman@wtotrial.com](mailto:Youngman@wtotrial.com)>; Unthank, Andrew <[unthank@wtotrial.com](mailto:unthank@wtotrial.com)>; Jared Shepherd <[jshpherd@hoffbarry.com](mailto:jshpherd@hoffbarry.com)>; [meiselas@geragos.com](mailto:meiselas@geragos.com); Mark M. O'Mara <[mark@markomaralaw.com](mailto:mark@markomaralaw.com)>; Hart Robinovitch <[Hart.Robinovitch@zimmreed.com](mailto:Hart.Robinovitch@zimmreed.com)>; Michael Laird <[Michael.Laird@zimmreed.com](mailto:Michael.Laird@zimmreed.com)>; McNab, William <[WMcNab@winthrop.com](mailto:WMcNab@winthrop.com)>; Vogel, David <[dvogel@cooley.com](mailto:dvogel@cooley.com)>; Lobel, Douglas P. <[dlobel@cooley.com](mailto:dlobel@cooley.com)>; Gutkin, Jeff <[jgutkin@cooley.com](mailto:jgutkin@cooley.com)>

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Ashley:

CenturyLink's motion will ask the Court to order that corrective notice be disseminated to the class members who are represented by Keller Lenkner LLC and Troxel Law LLP to cure the two firms' misleading and confusing solicitations and Retainer Agreements and to ensure that those class members make informed decisions whether to participate in the class settlement or opt out. *See, e.g., In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, No. 05-MD-1720 (JG), 2014 WL 4966072, at \*1, 31 (E.D.N.Y. Oct. 3, 2014); *In re Lupron Mktg. & Sales Practices Litig.*, No. MDL 1430, 2005 WL 613492, at \*1 (D. Mass. Mar. 16, 2005); *In re WorldCom, Inc. Sec. Litig.*, No 02 Civ.3288(DLC), 2003 WL 22701241, at \*6-7, 9 (S.D.N.Y. Nov. 17, 2003); *In re McKesson HBOC, Inc. Sec. Litig.*, 126 F. Supp. 2d 1239, 1246 (N.D. Cal. 2000); *In re Synthroid Mktg. Litig.*, 197 F.R.D. 607, 609-11 (N.D. Ill. 2000); *Georgine v. Amchem Prods., Inc.*, 160 F.R.D. 478, 502 (E.D. Pa. 1995).

CenturyLink detailed the problems with Keller and Troxel's solicitations and Retainer Agreement in CenturyLink's Supplemental Brief in Support of Plaintiffs' Motion for Preliminary Approval and the supporting declarations and exhibits. Attached is a draft of the proposed corrective notice. Please let us know whether your clients will consent to dissemination of the proposed corrective notice (with or without changes) or oppose CenturyLink's motion.

Mike

**From:** Ashley Keller <[ack@kellerlenkner.com](mailto:ack@kellerlenkner.com)>

**Sent:** Thursday, February 13, 2020 6:42 AM

**To:** Brian Gudmundson <[Brian.Gudmundson@zimmreed.com](mailto:Brian.Gudmundson@zimmreed.com)>; Williams, Michael <[williams@wtotrial.com](mailto:williams@wtotrial.com)>

**Cc:** Warren Postman <[wdp@kellerlenkner.com](mailto:wdp@kellerlenkner.com)>; Carolyn Anderson <[Carolyn.Anderson@zimmreed.com](mailto:Carolyn.Anderson@zimmreed.com)>; Youngman, Judith <[Youngman@wtotrial.com](mailto:Youngman@wtotrial.com)>; Unthank, Andrew <[unthank@wtotrial.com](mailto:unthank@wtotrial.com)>; Jared Shepherd <[jshpherd@hoffbarry.com](mailto:jshpherd@hoffbarry.com)>; [meiselas@geragos.com](mailto:meiselas@geragos.com); Mark M. O'Mara <[mark@markomaralaw.com](mailto:mark@markomaralaw.com)>; Hart Robinovitch <[Hart.Robinovitch@zimmreed.com](mailto:Hart.Robinovitch@zimmreed.com)>; Michael Laird <[Michael.Laird@zimmreed.com](mailto:Michael.Laird@zimmreed.com)>; McNab, William <[WMcNab@winthrop.com](mailto:WMcNab@winthrop.com)>; Vogel, David <[dvogel@cooley.com](mailto:dvogel@cooley.com)>; Lobel, Douglas P. <[dlobel@cooley.com](mailto:dlobel@cooley.com)>; Gutkin, Jeff <[jgutkin@cooley.com](mailto:jgutkin@cooley.com)>

**Subject:** Re: In re: CenturyLink - Meet and Confer re: Motion to Stay Pending Appeal

**External Email**

Michael,

Ahead of the call, can you please explain the nature and basis for the motion you plan to file? I'm not sure I follow what relief you are seeking.

Ashley

On Feb 13, 2020, at 7:55 AM, Ashley Keller <[ack@kellerlenkner.com](mailto:ack@kellerlenkner.com)> wrote:

I can make 4:30 Central work. Please use the dial in below.

1-800-201-6394

Conference Code: 167331

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**From:** Brian Gudmundson <[Brian.Gudmundson@zimmreed.com](mailto:Brian.Gudmundson@zimmreed.com)>

**Date:** Thursday, February 13, 2020 at 7:41 AM

**To:** "Williams, Michael" <[williams@wtotrial.com](mailto:williams@wtotrial.com)>

**Cc:** Ashley Keller <[ack@kellerlenkner.com](mailto:ack@kellerlenkner.com)>, Warren Postman <[wdp@kellerlenkner.com](mailto:wdp@kellerlenkner.com)>, Carolyn Anderson <[Carolyn.Anderson@zimmreed.com](mailto:Carolyn.Anderson@zimmreed.com)>, "Youngman, Judith" <[Youngman@wtotrial.com](mailto:Youngman@wtotrial.com)>, "Unthank, Andrew" <[unthank@wtotrial.com](mailto:unthank@wtotrial.com)>, Jared Shepherd <[jshepherd@hoffbarry.com](mailto:jshepherd@hoffbarry.com)>, "[meiselas@geragos.com](mailto:meiselas@geragos.com)" <[meiselas@geragos.com](mailto:meiselas@geragos.com)>, "Mark M. O'Mara" <[mark@markomaralaw.com](mailto:mark@markomaralaw.com)>, Hart Robinovitch <[Hart.Robinovitch@zimmreed.com](mailto:Hart.Robinovitch@zimmreed.com)>, Michael Laird <[Michael.Laird@zimmreed.com](mailto:Michael.Laird@zimmreed.com)>, "McNab, William" <[WMcNab@winthrop.com](mailto:WMcNab@winthrop.com)>, "Vogel, David" <[dvogel@cooley.com](mailto:dvogel@cooley.com)>, "Lobel, Douglas P." <[dlobel@cooley.com](mailto:dlobel@cooley.com)>, "Gutkin, Jeff" <[jgutkin@cooley.com](mailto:jgutkin@cooley.com)>

**Subject:** Re: In re: CenturyLink - Meet and Confer re: Motion to Stay Pending Appeal

I am available today after 430p central or anytime Friday morning.

Sent from my iPhone

**BRIAN GUDMUNDSON** | PARTNER

**ZIMMERMAN REED LLP**

1100 IDS Center, 80 South 8th Street  
Minneapolis, MN 55402 +612.341.0400

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*If you received this e-mail in error, please notify the sender immediately and delete.*

On Feb 13, 2020, at 2:36 AM, Williams, Michael <[williams@wtotrial.com](mailto:williams@wtotrial.com)> wrote:

Counsel:

I am available to meet and confer by telephone tomorrow at 10:00 a.m. Central or from 3:00 to 6:00 p.m. Central, or Friday morning. CenturyLink intends to file a motion for corrective notice to be disseminated to Keller and Troxel's clients, so we would like to meet and confer regarding that motion as well as the hearing schedule and the claimants' motions. Please let me know if any of those times work, and I will circulate a meeting invitation.

Mike

---

**From:** Ashley Keller <[ack@kellerlenkner.com](mailto:ack@kellerlenkner.com)>  
**Sent:** Wednesday, February 12, 2020 12:55 PM  
**To:** Williams, Michael <[williams@wtotrial.com](mailto:williams@wtotrial.com)>  
**Cc:** Brian Gudmundson <[Brian.Gudmundson@zimmreed.com](mailto:Brian.Gudmundson@zimmreed.com)>; Warren Postman <[wdp@kellerlenkner.com](mailto:wdp@kellerlenkner.com)>; Carolyn Anderson <[Carolyn.Anderson@zimmreed.com](mailto:Carolyn.Anderson@zimmreed.com)>; Youngman, Judith <[Youngman@wtotrial.com](mailto:Youngman@wtotrial.com)>; Unthank, Andrew <[unthank@wtotrial.com](mailto:unthank@wtotrial.com)>; Jared Shepherd <[jshepherd@hoffbarry.com](mailto:jshepherd@hoffbarry.com)>; [meiselas@geragos.com](mailto:meiselas@geragos.com); Mark M. O'Mara <[mark@markomaralaw.com](mailto:mark@markomaralaw.com)>; Hart Robinovitch <[Hart.Robinovitch@zimmreed.com](mailto:Hart.Robinovitch@zimmreed.com)>; Michael Laird <[Michael.Laird@zimmreed.com](mailto:Michael.Laird@zimmreed.com)>  
**Subject:** In re: CenturyLink - Meet and Confer re: Motion to Stay Pending Appeal

**External Email**

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Counsel,

We contacted Judge Davis's chambers about scheduling our motion for a stay pending appeal. The Court stated that counsel for CenturyLink was instructed to confer with us about calendaring the motion, but of course that conference has not occurred (or even been scheduled). We ask that this meet and confer occur as soon as possible. As movants stated in their motion, the injunction runs afoul of controlling Eighth Circuit precedent, so no hearing should be necessary. But if one is to occur, it must be on an expedited basis to avoid further deprivation of movants' constitutional and statutory rights. We thus request a hearing, if the Court finds it necessary, no later than February 20, 2020.

If we cannot obtain an expedited hearing schedule, we will take our request for a stay pending appeal directly to the Eighth Circuit on the ground that the expedited relief our clients are entitled to "would be impracticable" to obtain in the district court. See FRAP 8(a)(2)(A)(i).

Warren or I will find availability if you wish to discuss this matter. Your prompt response is requested.

Regards,

**Ashley C. Keller**  
Partner

**Keller | Lenkner**

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